

FILED

UNITED STATES DISTRICT COURT

JUN 10 2009

DISTRICT OF SOUTH DAKOTA



CLERK

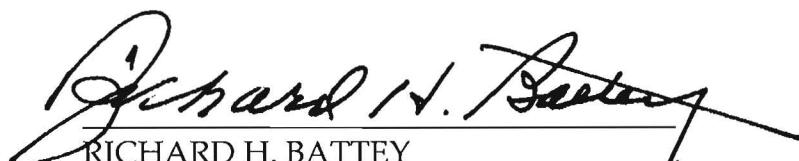
WESTERN DIVISION

TECHNOLOGY FUNDING GROUP)
L.L.C., a Delaware Limited Liability)
Company,) CIV. 07-5081-RHB
)
Plaintiff,)
)
vs.) ORDER DENYING DEFENDANT'S
THE FIRST WESTERN BANK OF) MOTIONS FOR PARTIAL
STURGIS, a South Dakota Corporation,) SUMMARY JUDGMENT
)
Defendant.)

Defendant in the above-captioned matter has filed two motions for partial summary judgment. Docket #27, #56. After reviewing the submissions of the parties, including the briefs and affidavits in support thereof, the Court concludes that there are genuine issues of fact for resolution at trial. Accordingly, it is hereby ORDERED that defendant's motions for partial summary judgment (Docket #27, #56) are denied.

Dated this 10 day of June, 2009.

BY THE COURT:



RICHARD H. BATTEY
UNITED STATES DISTRICT JUDGE